

Marjory MacLean, number XXX, Minister of South Ronaldsay and Burray in Orkney, and Convener of the Legal Questions Committee.

Moderator, on this first day of a General Assembly it's worth recalling why we meet in a kind of Parliament of the Church.

Every large organisation has its internal rules, its methods of ordering its work and purpose, its mechanisms for translating the requirements of national law into its own structures. In some kinds of body those are known as by-laws, in others they might take the form of Articles of Association.

For reasons of very long and very complicated history, in the Church of Scotland we have our own legislation (Acts and Regulations) along with the more general instructions that issue from the Assembly each year. If we didn't have those in the form we do, we'd still have to have some equivalent, to explain to ourselves and others how we do what we do. I like the way we do it, though.

First, we make our rules in this Assembly which is a place of prayer and worship as well as of law and debate; I think that gives our decisions the unique character they ought to have.

Second, we regulate ourselves in areas of life the civil law would not think to address: our beliefs, our forms of worship, our moral standards. We are far, far more than a charity. And third, we pass and apply our laws in order to hold ourselves to a Christian standard not just a legal one: in the expectations we make of those who lead our congregations, in the restrictions we place on our investment policy, in the way we distribute our human resources across the whole nation, and in a hundred other ways.

In the Legal Questions Committee, we have a remit that asks us to be ready to support the servants and agencies of the Church who work in that necessary internal legal world, and those who have to apply external, civil, law directly because it applies to us too as it would to any other large national body, and to those who have to walk the tightrope of applying both.

99% of the time, of course, it is not the Committee or its members providing the support, but the staff of the Office of the General Assembly. In them we have a team of legal minds who provide the most stimulating, good-humoured and enlightening conversations you can imagine, and make us all feel secure and confident as we try to work out how to ensure we are doing the right thing.

As well as the many small pieces of work the Committee does – you'll see several in our Report, from examining the records of central bodies to providing opinions to other reporting Committees where their work has a legal implication – we have four larger items on our plate at the moment.

Firstly, our work on questions of Church-State relations, including relations with the Monarchy, and also including wider questions of our service of society as a whole, is stepping up with the recent creation of a small group of key individuals taking forward important conversations.

Secondly, our work is under way to review the processes of dealing with complaints and disciplinary accusations, which last year we promised we would report on next year and we expect to do so.

Thirdly, we have been considering what reform of legislation is needed to facilitate the fast-developing phenomenon of Team Ministry, which is mushrooming as a result of Presbytery Planning decisions. It is clear that the mushrooming is still under way; and so we have not brought legislative reform to this year's Assembly as we had thought last year we could, because we are sure that if we had brought something now when the wave of questions has not yet subsided, we would just need to bring something more next year. The Principal Clerk's office has answers on the Church's web-site for frequently asked questions, and responds to the more interesting infrequently asked questions, and we hope to be able to bring something next year that will tidy those into the legislation if that's needed. I trust the Assembly approves of this adjustment of timing.

Fourthly, we bring a draft Act on Presbytery Review in the appendix to our Report. Long ago, this work was done by Synods, and in more recent years there has been more work and, more recently still, previous pilots. Once the new version is trialled in a new pilot scheme, we will bring a more final version of it to next year's Assembly. It provides a good example of what I said at the outset: civil law requires charities like our Presbyteries to be subject to accountability to a parent charity – and not just internally, or to their peers. In doing what the law of the land requires us to do, we're able to use the spiritual jurisdiction of this Court to go further than that, and design a process that strengthens, encourages and resources the regional Church not just to be just a properly-regulated small charity, but to advance Christ's kingdom through service, evangelism, prophecy and ministry.

Moderator, I present the Report of the Legal Questions Committee, and move the sections of the Deliverance with the exception of XXX which was considered this morning.